

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

AWARE PRODUCTS LLC D/B/A	)	
VOYANT BEAUTY,	)	
	)	
Plaintiff,	)	
	)	No. 4:21-cv-249-SEP
v.	)	
	)	
EPICURE MEDICAL, LLC,	)	
FOXHOLE MEDICAL, LLC,	)	
LEE ORI, individually and as co-trustee	)	
of the LEE E ORI & JACLYN C ORI	)	
LIVING TRUST, JACLYN C. C ORI,	)	
as co-trustee of the LEE E ORI &	)	
JACLYN C ORI LIVING TRUST,	)	
DAN REILLY, SARAH SIMMERS,	)	
CLOVER LEAF STRATEGIES, LLC,	)	
PFL INVESTMENTS, LLC, and	)	
NEO HEALTH, LLC,	)	
	)	
Defendants.	)	

**DECLARATION OF ROBERT C. PENN JR. IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, ROBERT C. PENN JR., an attorney admitted pro hac vice to practice in the United States District Court of the Eastern District of Missouri, hereby declare that the following is true and correct under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney at Sher Tremonte LLP and counsel for Plaintiff Aware Products LLC d/b/a Voyant Beauty ("Voyant"). I submit this declaration in opposition to Defendants' Motion for Summary Judgment.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an email thread, dated March 26, 2020, previously marked as Exhibit 7 in the Deposition of Michael Partridge, produced in this action at Bates Numbers AWAREVOYANT\_000316 - AWAREVOYANT\_000317.

3. Attached hereto as **Exhibit 2** is a true and correct copy of an email thread, dated March 26, 2020, previously marked as Exhibit 9 in the Deposition of Michael Partridge, produced in this action at Bates Numbers AWAREVOYANT\_000321 - AWAREVOYANT\_000323.

4. Attached hereto as **Exhibit 3** is a true and correct copy of an email thread, dated April 8, 2020, previously marked as Exhibit 11 in the Deposition of Michael Partridge, produced in this action at Bates Numbers AWAREVOYANT\_000408 - AWAREVOYANT\_000410.

5. Attached hereto as **Exhibit 4** is a true and correct copy of an email thread, dated April 12, 2020, previously marked as Exhibit 12 in the Deposition of Michael Partridge, produced in this action at Bates Numbers AWAREVOYANT\_000436 - AWAREVOYANT\_000439.

6. Attached hereto as **Exhibit 5** is a true and correct copy of an email, dated April 9, 2020, previously marked as Exhibit 13 in the Deposition of Michael Partridge, produced in this action at Bates Number AWAREVOYANT\_000426.

7. Attached hereto as **Exhibit 6** is a true and correct copy of an email thread, dated March 31, 2020, produced in this action at Bates Number AWAREVOYANT\_000353 - AWAREVOYANT\_000354.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from Lee Ori, dated March 26, 2020, previously marked as Exhibit 12 in the Deposition of Lee Ori, produced in this action at Bates Number DEF3835.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the deposition of Lee Ori, dated March 24, 2022.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of the deposition of Sarah Simmers, dated March 29, 2022.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of the deposition of Michael Partridge, dated April 5, 2022.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an email thread, dated September 7, 2020, previously marked as Exhibit 25 in the Deposition of Lee Ori, produced in this action at Bates Number DEF0421 - DEF0422.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an email thread, dated October 26, 2020, previously marked as Exhibit 27 in the Deposition of Lee Ori, produced in this action at Bates Number DEF0426 - DEF0427.

14. Attached hereto as **Exhibit 13** is a true and correct copy of Epicure's 2020 Balance Sheet and Profit Loss Statement, previously marked as Exhibit 31 in the Deposition of Lee Ori, produced in this action at Bates Number DEF3495 - DEF3497.

15. Attached hereto as **Exhibit 14** is a true and correct copy of PFL Investments LLC K-1 Form, produced in this action at Bates Number DEF5247 - DEF5255.

16. Attached hereto as **Exhibit 15** is a true and correct copy of Clover Leaf Strategies LLC K-1 Form, produced in this action at Bates Number DEF5208 - DEF5216.

17. Attached hereto as **Exhibit 16** is a true and correct copy of Epicure's bank account statements, produced in this action at Bates Number DEF5087 - DEF5204.

18. Attached hereto as **Exhibit 17** is a true and correct copy of Defendants Epicure, Ori, and Foxhole Medical's Objections and Responses to Plaintiff's First Set of Requests for Admission to Defendants, dated December 21, 2022.

19. Attached hereto as **Exhibit 18** is a true and correct copy of Epicure's Operating Agreement, previously marked as Exhibit 8 in the Deposition of Lee Ori, produced in this action at Bates Number DEF3505 - DEF3545.

20. Attached hereto as **Exhibit 19** is a true and correct copy of Neo Health, LLC's bank account statements, produced in this action at Bates Number DEF5379 - DEF5386.

21. Attached hereto as **Exhibit 20** is a true and correct copy of Defendants Lee Ori and Jaclyn C. Ori, as co-trustees of the Lee E Ori & Jaclyn C Ori Living Trust, Dan Reilly, Sarah Simmers, Clover Leaf Strategies, LLC, PFL Investments, LLC, and Neo Health, LLC's Answer and Affirmative Defenses to Second Amended Complaint (ECF No. 55), dated May 24, 2022.

22. Attached hereto as **Exhibit 21** is a true and correct copy of an email and account statement from Michael Partridge to Ori, dated July 15, 2020, produced in this action at Bates Number AWAREVOYANT\_003963 - AWAREVOYANT\_003965.

23. Attached hereto as **Exhibit 22** is a true and correct copy of an email from Ori to Dan Reilly, dated July 15, 2020, previously marked as Exhibit 23 in the Deposition of Lee Ori, produced in this action at Bates Number DEF0774 - DEF0775.

24. Attached hereto as **Exhibit 23** is a true and correct copy of an email thread, dated June 5, 2020, produced in this action at Bates number AWAREVOYANT\_002026 - AWAREVOYANT\_002028.

Dated: July 3, 2024  
New York, New York

/s/ Robert C. Penn Jr.  
Robert C. Penn Jr.